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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,696	03/23/2001	Howard R. Test	TI-30589	9347

7590 07/03/2002

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EXAMINER

RICHARDS, N DREW

ART UNIT	PAPER NUMBER
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2815

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,696

Applicant(s)

TEST ET AL.

Examiner

N. Drew Richards

Art Unit

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to a device, classified in class 257, subclass 762.
 - II. Claims 7-15, drawn to a method, classified in class 438, subclass 687.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process. For example, the barrier metal layer could be formed by sputtering or evaporation instead of electroless plating.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Gary Honeycutt on 6/17/02 a provisional election was made without traverse to prosecute the invention of the method, claims 7-15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-6 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 7 and 12 it is unclear and indefinite whether the step of activating the copper metallization is a single step as depositing seed metal or whether the activating and depositing seed metal are separate steps performed separately.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molla et al. (U.S. Patent No. 6,362,089 B1).

Molla et al. teach a method of forming metallurgical connections between metal wires and bond pads positioned on integrated circuits having copper interconnecting metallization on columns 1-6 and in figures 1-5. Specifically, Molla et al. teach activating the surface of the copper metallization of the bond pads, depositing seed metal (col. 2 line 49 through col. 3 line 24). Molla et al. then teach plating a layer of barrier metal by electroless deposition that resists copper diffusion (col. 3 lines 25-35). Molla et al. then teach plating a layer of a bondable metal that reduces the diffusion of the barrier metal, thereby forming the outermost bondable metal layer of the bond pad (col. 3 lines 36-44). Molla et al. does not explicitly teach the bondable metal being deposited by electroless deposition, however, Molla et al. states that the layer can be formed by techniques that are well known in the art. Molla et al. teach in the background section (col. 1 lines 22-30) depositing layers on copper by electroless deposition and, for the case of gold, immersion electroless deposition. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to deposit the outermost bondable layer (gold) by the electroless deposition used in the background in the process of Molla et al. Molla et al. then teach bonding metal wires onto the outermost metal (col. 4 lines 13-16).

With regard to the thicknesses of the barrier metal and bondable metal reducing diffusion of the layer below by 80% compared to the diffusion in the absence of the layers, the thicknesses taught by Molla et al. are considered to read on this limitation.

With regard to claim 8, Molla et al. teach solder ball bonding and wire bonding, therefore Molla et al. is considered to teach the wire bonding step comprising ball bonding.

With regard to claim 13, the electroless plating of the bondable layer is immersion plating (col. 1 line 22-30).

With regard to claim 14, Molla et al. does not teach immersion plating followed by autocatalytic plating, however, this step is considered obvious as autocatalytic plating is a well known process in the art for depositing gold and Molla et al. has recognized that the gold can be formed by techniques well known to those skilled in the art.

With regard to claim 15, the limitation of electrically probing leaving no probe marks is not limiting to the process of forming the device. This step does not change the device structure in any way during the process. Further, the device of Molla et al. is capable of performing the probing step without leaving any marks as the outermost bondable layer of Molla et al. is the same as in the present invention and thus would have the same hardness to resist probe marks.

5. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molla et al. as applied to claims 7, 8 and 13-15 above, and further in view of Lopatin et al. (U.S. Patent No. 6320263 B1).

With regard to claim 9, Molla et al. do not teach depositing a protective overcoat over the integrated circuit including the copper and exposing the copper through the overcoat by photolithographic techniques. Lopatin et al. teach a method of forming

copper metallization in integrated circuits. Lopatin et al. teach depositing a protective overcoat 105 over the surface of the integrated circuit including the surface portions having copper metallization and opening selected areas of the overcoat by photolithographic techniques to expose the surface of the copper metallization in column 3 lines 64 through column 4 line 1.

Molla et al. and Lopatin et al. are combinable because they are from the same field of endeavor. At the time of the invention it would have been obvious to a person of ordinary skill in the art to form a protective overcoat and etch portions away to expose the copper. The motivation for doing so is provide a passivation layer over the substrate and to insulate the copper and bonded wire from adjacent conductors. Therefore, it would have been obvious to combine Molla et al. with Lopatin et al. to obtain the invention of claim 9.

With regard to claim 10, Molla et al. teach cleaning before activating the copper surface. In combination with Lopatin et al., the cleaning step would be performed after the etching step to remove contaminants and cupric oxide. Molla et al. teach cleaning by immersing the exposed copper in a solution of sulfuric acid.

With regards to claims 11 and 12, Molla et al. teach activating the copper surface by immersing the bond pads in a metal solution but do not teach the solution is a metal chloride or specifically palladium chloride. Lopatin et al. teach activating the copper surface and teach activating by immersion in a palladium chloride solution.

Molla et al. and Lopatin et al. are combinable because they are from the same field of endeavor. At the time of the invention it would have been obvious to a person of

ordinary skill in the art to activate the copper by immersing in a palladium chloride solution. The motivation for doing so is to prepare the surface for further metal deposition. Therefore, it would have been obvious to combine Molla et al. with Lopatin et al. to obtain the invention of claims 11 and 12.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 7-15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 16-25 of copending Application No. 09/775322. Although the conflicting claims are not identical, they are not patentably distinct from each other because the same process is claimed in both applications even though the barrier layer and bondable layer have been claimed by different physical properties.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

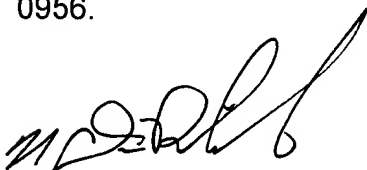
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bhatt et al. (U.S. Patent No. 5922517) and Munroe et al. (U.S. Patent No. 6107180).

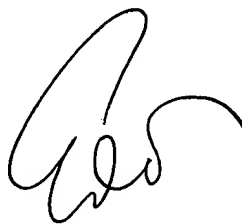
Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Drew Richards whose telephone number is (703) 306-5946. The examiner can normally be reached on M-F 8:00-5:30; Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703) 308-1690. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



June 30, 2002



EDDIE LEE
SUPERVISORY PATENT EXAMINER
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